

REMARKS

Applicants amend claims 1-10 and 12-20, and add new claim 21. Support for the amendments can be found in the original application at, for example, paragraphs 0009, 0032, 0040, 0042, and 0045, and Fig. 6. Claims 1-10 and 12-21 remain pending.

The Office Action¹ rejected claims 1-3, 5-10, and 13-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,549,922² to Srivastava et al. ("*Srivastava*") in view of U.S. Patent No. 7,209,571 to Davis et al. ("*Davis*"); rejected claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over *Srivastava* in view of *Davis* and U.S. Publication No. 2002/0049738 to Epstein ("*Epstein*"); and rejected claims 4 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Srivastava* in view of *Davis* and U.S. Patent No. 6,493,720³ to Chu et al. ("*Chu*").

Davis and *Epstein* do not qualify as prior art. The present application is based on and claims the benefit of priority of U.S. Provisional Application No. 60/252,273, filed on November 21, 2000. *Davis* was filed on April 20, 2001, and *Epstein* was filed on August 3, 2001, which are both after the effective filing date of the present application. Nonetheless, Applicants address the merits of the rejections below.

Applicants respectfully traverse all the rejections of claims 1-10 and 12-20 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness cannot be established.

¹ The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² The Office Action cited U.S. Patent No. 654,922 to Schipkowsky. Applicants believe this is a typographical error and that the Examiner meant to cite U.S. Patent No. 6,549,922.

³ The Office Action cited U.S. Patent No. 6,943,720 to Nakamori et al. Applicants believe this is a typographical error and that the Examiner meant to cite U.S. Patent No. 6,493,720.

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” M.P.E.P.

§ 2141(III).

[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . are as follows:

- (A) [Determining the scope and content of the prior art;]
- (B) Ascertaining the differences between the claimed invention and the prior art; and
- (C) Resolving the level of ordinary skill in the pertinent art.

M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Independent claim 1, as amended, recites a method to enhance metadata associated with media comprising, for example, “identifying . . . an incorrect field of the metadata by comparing the fields of the metadata with corresponding fields of accurate metadata of the media stored in a valid database, the incorrect field of the metadata not matching a corresponding field of the accurate metadata” and “correcting the metadata by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata.”

Srivastava discloses “extract[ing] metadata already stored in the media file,” “generating additional information by analyzing the actual media content,” and “gather[ing] metadata from auxiliary sources such as user’s input, or from look-up services available on the Internet.” *Srivastava*, col. 1, line 52; col. 4, ll. 63-64; col. 5, ll. 17-19. However, *Srivastava* fails to disclose or suggest identifying any incorrect fields in the metadata by comparing the extracted, generated, or gathered metadata with an

accurate metadata and identifying non-matching fields. In *Srivastava*, all of the extracted, generated, and gathered metadata is assumed to be accurate, and *Srivastava* is completely silent with respect to “identifying . . . an incorrect . . . metadata” and “correcting the metadata by modifying the incorrect . . . metadata based on . . . accurate metadata,” as recited in claim 1.

Moreover, *Srivastava* uses the words “additional metadata” and “auxiliary metadata.” *Srivastava*, col. 2, line 52; col. 3, line 4. In addition, *Srivastava* discloses that “[a]ll of the metadata thus collected is combined.” *Srivastava*, Abstract. Nothing in *Srivastava* discloses or suggests that metadata from one source is used to modify incorrect metadata from another source. Therefore, *Srivastava* fails to teach or suggest “correcting the metadata by modifying the incorrect . . . metadata based on . . . accurate metadata,” as recited in claim 1.

Srivastava further discloses that “[t]he user can . . . change the attribute values.” *Srivastava*, col. 4, ll. 18-19. For example, “the user can . . . employ the GUI window . . . to add value to an annotation for any attribute that does not have a value, or to edit a value already present.” *Srivastava*, col. 7, ll. 28-30. However, such “keyboarded descriptions entered by the user” (col. 1, ll. 60-61) and “user keyboard entry” (col. 3, line 6) cannot constitute “accurate metadata . . . stored in a valid database,” as recited in claim 1. Furthermore, even if the user-provided metadata in *Srivastava* were stored in a database, which Applicants do not concede, *Srivastava* discloses simply replacing the already-present metadata with the user-provided metadata without comparing the already-present metadata and the user-provided metadata to identify whether the already-present metadata is incorrect, i.e., does not match the user-provided metadata.

Therefore, *Srivastava* fails to teach or suggest “identifying . . . an incorrect field of the metadata by comparing the fields of the metadata with corresponding fields of accurate metadata of the media stored in a valid database, the incorrect field of the metadata not matching a corresponding field of the accurate metadata” and “correcting the metadata by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata,” as recited in claim 1.

The Office Action alleges that column 5, lines 1-5 of *Srivastava* discloses the “comparing.” Office Action, at 5-6. This is incorrect. The cited portion of *Srivastava* merely discloses that “by analyzing the actual media content[,] . . . content descriptive metadata [can be] created . . . includ[ing] closed-captioning text, thumbnail images, embedded links (URL flipping), and sample video and audio ‘clips.’” *Srivastava*, col. 4, line 63 to col. 5, line 2. *Srivastava* fails to teach or suggest comparing the content descriptive metadata with accurate metadata stored in a valid database.

Davis discloses “stor[ing] data items associated with the image in the image itself” and “encod[ing] . . . in an image . . . identifiers and references that associate the image with additional data stored outside the image itself.” *Davis*, col. 2, ll. 46-48; col. 9, ll. 5-7. Although metadata embedded in the image itself is undoubtedly associated with the image, metadata stored outside the image should be authenticated to verify the metadata’s association with the image. Therefore, *Davis* discloses “match[ing] a reference number embedded in the image with a reference number in the image file metadata” or “embedding . . . a hash of external metadata stored outside the media signal, into the media signal itself.” *Davis*, col. 1, ll. 58-60; col. 10, ll. 61-64.

However, *Davis* fails to disclose or suggest comparing the metadata embedded in the image with the metadata stored outside the image. *Davis* also fails to disclose or suggest comparing metadata (whether embedded in the image or stored outside the image) with any accurate metadata stored in a valid database.

Moreover, in *Davis*, if an identifier, reference, or hash of metadata stored outside the image does not match an identifier, reference, or hash stored in the image, then the metadata stored outside the image is deemed to be not associated with the image. In *Davis*, there is no modifying or correcting of any incorrect field of the metadata based on a corresponding field of accurate metadata.

Accordingly, *Davis* fails to teach or suggest “identifying . . . an incorrect field of the metadata by comparing the fields of the metadata with corresponding fields of accurate metadata of the media stored in a valid database, the incorrect field of the metadata not matching a corresponding field of the accurate metadata” and “correcting the metadata by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata,” as recited in claim 1.

Epstein discloses “obtain[ing] metadata relating to a datum and users.” *Epstein*, para. 0146. *Epstein* further discloses “updat[ing] status/statistical metadata based upon the information” “from a user regarding existing data or another metabase user.” *Epstein*, para. 0145. However, in *Epstein*, the current metadata is simply updated with new metadata based on information provided by a user. *Epstein* fails to disclose or suggest that the current metadata is compared with the new metadata to identify incorrect fields in the current metadata that do not match corresponding fields in the new metadata.

Accordingly, *Epstein* fails to teach or suggest “identifying . . . an incorrect field of the metadata by comparing the fields of the metadata with corresponding fields of accurate metadata of the media stored in a valid database, the incorrect field of the metadata not matching a corresponding field of the accurate metadata” and “correcting the metadata by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata,” as recited in claim 1.

Chu discloses “stor[ing] the [same] metadata . . . in multiple locations. If the metadata stored at one location changes, the metadata stored at other locations is no longer in synch” and must be updated.” *Chu*, col. 1, ll. 57-60. *Chu* further discloses that “a tool that operates on an object is monitored to identify changes to metadata of that object . . . [and] corresponding metadata for the object is updated.” *Chu*, col. 2, ll. 6-10. For example, in *Chu*, “[t]he metadata synchronizer 118 monitors various tools, such as . . . a file manager, a word processing program, or a database system.” *Chu*, col. 3, ll. 52-55. Therefore, *Chu* discloses monitoring a tool to detect change to metadata at one location and then making corresponding changes to metadata at other locations. However, *Chu* fails to disclose or suggest comparing corresponding fields of metadata at one location with metadata at another location to identify incorrect fields, and then modifying the incorrect fields of metadata stored at one location based on the corresponding fields of metadata at another location.

Accordingly, *Chu* fails to teach or suggest “identifying . . . an incorrect field of the metadata by comparing the fields of the metadata with corresponding fields of accurate metadata of the media stored in a valid database, the incorrect field of the metadata not matching a corresponding field of the accurate metadata” and “correcting the metadata

by modifying the incorrect field of the metadata based on the corresponding field of the accurate metadata,” as recited in claim 1.

For at least the foregoing reasons, the scope and content of the prior art have not been properly determined, and the differences between the prior art and Applicants’ claims have not been properly ascertained. Moreover, the Examiner has not identified any factors that would have motivated one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered independent claim 1 obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness cannot be established with respect to claim 1.

Independent claims 9 and 10, although different in scope from claim 1, are allowable for at least similar reasons as that presented above for claim 1. Dependent claims 2-8 and 12-20 are allowable at least due to their dependence from an allowable independent claim. Accordingly, the rejections under 35 U.S.C. § 103(a) should be withdrawn and claims 1-10 and 12-20 should be allowed.

New independent claim 21 is also allowable over the references of record for at least the reasons stated above, including the inapplicability of *Davis* and *Epstein* as prior art against this application. Therefore, claim 21 should be allowed.

CONCLUSION


In view of the foregoing, Applicants respectfully request reconsideration of this application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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